

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TIMOTHY VANA,**

**Plaintiff,**

**v.**

**MIDLAND FUNDING, LLC, A fictitious  
name, doing business as Encore  
Funding LLC,**

**Defendant.**

**CASE NO. 8:11CV278**

**ORDER AND  
FINAL JUDGMENT**

This matter is before the Court on the parties' Joint Stipulation for Dismissal with Prejudice (Filing No. 20). The stipulation complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court concludes that it should be approved. Except to the extent otherwise agreed in the parties' settlement agreement, the parties will bear their own costs and attorney's fees. Accordingly,

**IT IS ORDERED:**

1. The parties' Joint Stipulation for Dismissal with Prejudice (Filing No. 20) is approved;
2. The Second Amended Complaint (Filing No. 7) is dismissed with prejudice; and
3. Except to the extent otherwise agreed in the parties' settlement agreement, the parties will pay their own costs and attorney's fees.

Dated this 29<sup>th</sup> day of November, 2011.

**BY THE COURT:**

s/Laurie Smith Camp  
United States District Judge